THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17619 of 2003

Dated:31.07.2007

Between
T.K.Prasad

.....Petitioner

and

1.Labour Court-II, Hyderabad
rep., by its Presiding Officer
and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17619 of 2003

ORDER:

It appears that when the petitioner-workman was removed from service on 28.1.1999, he filed appeal and review petitions and both of them failed. Further, he raised an industrial dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 before the Labour Court. The Labour Court, after a detailed consideration of the matter, found that the charges levelled against the petitioner are proved, but the misconduct alleged is not so serious and therefore held that the punishment imposed against him is shockingly disproportionate to that of the misconduct alleged and directed reinstatement of the petitioner with all attendant

benefits, but without any back wages. Further, it was held that the petitioner is not entitled for continuity of service on the ground that he was appointed as temporary conductor on regular scale of pay.

Learned counsel for the petitioner submits that the findings recorded by the Labour Court that the petitioner was a temporary employee, is under a misconceived notion. In fact, the petitioner was appointed as a Conductor with effect from 9.6.1980 and his probation in that cadre was declared on 4.6.1981 and he served up to 28.1.1999 when he was removed from service. Further, it is to be seen that there is inconsistency in the award passed by the Labour Court. While granting attendant benefits, it could not have denied continuity of service.

In the facts and circumstances of the case, I am of the opinion that the petitioner is entitled to continuity of service with all attendant benefits, but

without any back wages. Thus, the award passed by the Labour Court is modified as under.

The petitioner is entitled for reinstatement with continuity of service with all attendant benefits, but without any back wages.

Subject to the above modification, the writ petition is disposed of. No costs.

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31-07-2007

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